Kobuk Traditional Council
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Traditional Constitution of the Native Village Of Kobuk

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PREAMBLE

We the Native Village of Kobuk people, assert our freedom as a sovereign people in a historic relationship with the United States of America, in creating this Tribal Constitution. We adopt this Constitution to exercise the Tribe's inherent sovereign rights and powers in promoting the well-being and unity of this and succeeding generations, to affirm our faith in fundamental Native rights and traditions, and to promote our Tribe's social, cultural, economic and political progress. We adopt this Constitution under the inherent sovereign authority of our Tribe. This Constitution shall supersede the previously adopted Kobuk Traditional Constitution and Bylaws approved by the tribal voters on JAN. 11, 2003.

ARTICLE 1- NAME

The name of this Eskimo tribe shall be the Native Village of Kobuk, previously known as the Kobuk Traditional Council.

ARTICLE 2- TERRITORY

The territorial jurisdiction of the Native Village of Kobuk shall extend to all lands and waters constituting the Indian country of the Native Village of Kobuk as define by federal and tribal law. To the extent not inconsistent with federal law, such land and waters shall include, but are not limited to all lands and waters customarily and traditionally governed by the Native Village of Kobuk people, including lands withdrawn for selection for Kobuk by the Kobuk Traditional Council under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et.seq) and all fee lands and allotment within the traditional lands of the Native Village of Kobuk, regardless of the issuance of any patent or unrestricted fee title to any such lands.

ARTICLE 3- MEMBERSHIP

Section 1. Base Member Roll. The base membership of the Native Village of Kobuk tribe shall consist of all Natives whose names appear on the base membership roll adopted by the Kobuk Traditional Council at the passage of this Constitution, provided that the council may correct the base membership roll within two years following the adoption of this Constitution.

Section 2. Descendants of Member. Lineal descendants of members on the base membership roll are automatically eligible to be members of the Kobuk Traditional Council subject to the provisions of this Constitution and to ordinances enacted pursuant to this Costitution.

Section 3. Adoption of Members. The Kobuk Traditional Council shall have the option to adopt Natives who set up residence in Kobuk but are not descendants of

members listed on the base roll, according to the provisions of an enrollment ordinance.

Section 4. Membership and Enrollment Ordinances. The Kobuk Traditional Council shall have the power to enact ordinances and resolutions, not inconsistent with this Constitution, prescribing rules and regulations governing membership, including application and appeal procedures, maintenance of the membership roll, loss of membership, relinquishment of membership, and adoption of members.

ARTICLE 4- GOVERNING BODY

Section 1. Name. The governing body of the Native Village of Kobuk shall be the Kobuk Traditional Council, also referred to as the Council or Kobuk Traditional Council in this Constitution. The council shall represent the Native Village of Kobuk and shall exercise the powers of the Tribe cited in this constitution unless otherwise provided by this constitution or by tribal ordinance.

Section 2 Composition. The Kobuk Traditional Council shall consist of seven (7) members who shall be elected by majority vote of the qualified voters costing their votes in such an election. The council members shall be members from the Kobuk Traditional Council. The president shall be a member of Kobuk. All seven (7) council members shall be entitled to vote, except in cases of conflict of interest.

Section 3. Officers. The officers of the Kobuk Traditional council shall include a president , Vice President, and Secretary. Officers shall be appointed among the council members, provided that the president shall be a resident of the Native Village of Kobuk.

Section 4. Qualifications for Traditional Council Office. Tribal members who are 18 years of age or older, and who have never been convicted on a homicide or sexual assault, are eligible to hold a position on the Kobuk Traditional Council. Seven council members shall be members from the Kobuk Traditional Council.

Section 5. Quorum. Four (4) Kobuk Traditional Council members shall constitute a quorum for the transaction of the business at any meeting of the Kobuk Traditional Council unless a larger number is specifically required by this Constitution or by Native Village of Kobuk. The council members may meet either in person or be telephonically connected to the meeting.

Section 6. Terms of Office. Kobuk Traditional Council members shall hold office for a term of three (3) years, provided that two and one year terms may be used to initiate staggering.

Section 7. Conflict of Interest.. No Kobuk Traditional Council members shall vote on any matter, including but not limited to employment contracts, project funding, project allocations and appointments to tribal committees, in which he or she has a personal interest. A personal interest includes involvement of his or her spouse or children. The Kobuk Traditional Council members present when such an issue is decided shall reveal such conflict prior to any vote.

ARTILCE 5- DUTIES OF OFFICERS

Section 1. Assuming Duties. Newly elected officers of Kobuk Traditional Council shall assume their duties immediately upon being elected.

Section 2. President. The President shall preside over meeting of the Kobuk Traditional Council. The president shall provide general supervision for the affairs of the Native Village of Kobuk. The president shall sign, with either the Vice President, or the Secretary, all contracts, leases and other documents approved by a quorum of the Council. When the Kobuk Traditional Council is not in session, he or she shall be the official representative of the Tribe.

Section 3. Vice President. The Vice President shall assist the President when called upon to do so. In absence of the President, the duties of the Vice President shall be the same as those of the President.

Section 4. Secretary. The Secretary shall preside at Kobuk Traditional Council meetings in the absence the President and Vice President. The Secretary shall carry out the financial directives of the Council, receive all monies and keep accurate account to the receipts and disbursements, except when these duties are otherwise delegated by the Kobuk Traditional Council. The Secretary shall give financial reports as requested by the Kobuk Traditional Council. The Secretary shall take or delegate the taking of minutes of all meetings. The Secretary shall issue or delegate the duty of issuing notices of all Kobuk Traditional Council meetings and elections. Upon vacating his or her office, the Secretary shall immediately turn over all the records and papers in his or her possession to his or her successor or to the Kobuk Traditional Council.

ARTICLE 6- MEETINGS

Section 1. Regular Meetings of the Kobuk Traditional Council. Regular meetings of the Council shall be held monthly: the time, place and date shall be designated by the Council. Notice of meeting shall be posted prior to meetings in public places in Kobuk. All regular meetings shall be open to the general Kobuk tribal membership.

Section 2. Special Meetings. The President and 6 Council members may call a special meeting upon giving at least twenty-four (24) hours notice to members. Notice shall be posted in public places in the Village of Kobuk.

Section 3. Emergency Meetings. The Kobuk Traditional Council may meet for an emergency meeting without notice only when emergency circumstances warrant such a meeting.

Section 4. Executive Session. The Kobuk Traditional Council may move to meet in a closed executive session during regular, special or emergency meetings of the Council when the subject matter concerns child welfare, personnel, litigation, and other matters made confidential by tribal ordinance.

Section 5. Tribal Membership Meeting.

A. Tribal membership meetings may be called by the President or by seven Council members.

B. Tribal membership meeting may also be held by assembling a quorum of 30% of the adult tribal members.

C. Notice for any tribal membership meetings shall be posted in public places in Native Village of Kobuk at least two weeks prior to any such meetings.

ARTICLE 7- REMOVAL, RECALL, FORFEITURE, AND VACANCIES

Section 1. Removal. Any members of the Kobuk Traditional Council found guilty by the Council of neglect of duty, gross misconduct in office or an offence involving dishonesty may be removed from office by the Kobuk Traditional Council by at least (4) Council members voting in favor by secret ballot, provided, that such members shall first be given ten (10) days notice in writing of the charges against him or her and be given an opportunity to answer such charges before the Council at an open meeting of the Council. If the person subject to removal fails to appear before the Council, the Council shall preside over the meeting at which his or her removal is being considered. All questions or removal under this Section shall be resolved by the Kobuk Traditional Council and the decision of the Council shall be final.

Section 2. Recall. Any member of the Kobuk Traditional Council may be recalled by the tribal voters through a petition and election process. A valid petition requesting such recall signed by at least 50% of the qualified voters shall be represented to the Council. The Council shall call a special election to consider the recall of the named Council members within thirty (30) days upon receiving the petition, in accordance with Article 8, Section 4. If the majority of the voters vote in favor of the recall, the officials shall be removed. No official may be subjected to recall proceedings more than once in the course of his or her term. If the Council fails to call a special election to consider the recall, the tribal membership may hold a tribal membership meeting to conduct such business, provide that a quorum be established. Circulating a new petition to call such a meeting shall not be required, but notice shall be posted in public places in kobuk at least (2) weeks in advance.

Section 3 Forfeiture. Any members of the Kobuk Traditional Council who submit a written resignation, is convicted of a felony involving dishonesty or moral turpitude while in office, or is absent from three successive regular meeting of the Traditional Council without being excused by the Council shall automatically forfeit his or her office.

Section 4. Vacancies. Any vacancy of the Council shall be filled by appointment through a majority vote of the remaining members of the Council a Council member appointed to fill a vacancy shall serve until the next regular election.

ARTICLE 8- ELECTIONS

Section 1. Voter Qualifications. Any tribal member of the Kobuk Traditional Council eighteen (18) years of age or older, shall be qualified to vote.

Section 2. General Guidelines for Election. All elections shall be conducted by secret balloting. The out come of an election shall be determined by a simple

majority of the qualified voters casting their votes during the election unless otherwise specified by this Constitution or by ordinance.

Section 3. Traditional Council Elections. Elections for Traditional Council positions shall be held the second week in January in Kobuk. The Council shall set the date and shall give at least two (2) weeks notice of such elections. Notice shall be posted in public places in Kobuk prior to such elections.

Section 4. Special Elections. The Council may, by resolution, call a special election for the purposes of deciding a referendum, initiative, or call, upon giving at least two (2) weeks notice to the tribal members. Notice shall be posted in public places in Kobuk.

Section 5. Election Committee. The Council shall appoint an election committee of at least two members to supervise, administer, and conduct all tribal elections. The election committee shall certify the election of tribal officials. In election for tribal Council positions, no members of the election committee shall at the same time be a members of the Council or a candidate for a position on the Council.

Section 6. Election Ordinance. An election ordinance, consistent with this Constitution, may be adopted by the council which shall set forth the procedures to be followed in conducting each of the various types of elections called for in this Constitution.

ARTICLE 9- POWERS OF THE KOBOK TRADITIONAL COUNCIL

Section 1. General Power. Except as specifically limited by this Constitution of by tribal ordinance, the powers of the Tribe shall be exercised by the Council. The powers shall include all the inherent powers of a federally recognized tribal government which do not violate federal law, including but not limited to hose specified in this Article.

Section 2. Internal Procedures. Consistent with this Constitution, the Council may enact ordinances to govern its internal procedures and organization and to further define the duties of tribal officers.

Section 3. Traditional Council Powers. In addition to all powers vested in the tribe or Council by existing law and this Constitution, the Tribe acting through the Council, shall have the following powers.

A. To consult, negotiate, contract, oversee, or conclude agreements with and make recommendations to federal, state, local, and tribal government on activities which may affect the Kobuk Tribe.

B. To promote and protect the peace, health, education and general welfare of the members of the Tribe, and to administer services that contribute to the social and economic development of the Tribe ant its members.

C. To levy and collect taxes, fees, and assessments for Tribal purposes.

D To encourage, guard and foster traditional culture practices of the Kobuk

people, including the arts, crafts, religion, language and customs of the Native people of Kobuk.

E. To prevent the sale, disposition, lease or encumbrance of tribal land, interested in lands, or other tribal assets without the consent of the Kobuk Tribe.

F. Except as limited by Article 10 of this Constitution, to manage, sell, lease, exchange, acquire, or otherwise deal with trial or other property.

G. To acquire property and accept gifts.

H. To administer tribal assets including funds and manage all economic affairs and enterprises of the Tribe.

I. To engage in tribal economic development enterprises for the benefit of tribal members.

J. To provide for the maintenance of law and order and the administration of justice, including the establishment of appropriate tribal courts or other judicial bodies.

K. To charter enterprises, corporations, and associations for the benefit of tribal members.

L. To enact ordinance consistent with this Constitutions for the conduct and administration of all tribal functions.

M. To regulate inheritance among members whether by intestacy or otherwise.

N. To administer any funds within the control of the Tribe.

O. To regulate child custody and other domestic relations among members.

P. To protect and preserve the wildlife and natural resources within the area under the jurisdiction of the Tribe or upon which its members rely for subsistence.

Q. To regulate and control the use of the natural resources within the area under the jurisdiction of the Tribe or which otherwise affect the health, safety or economic well- being of the Tribe or its members.

R. To employ legal counsel, the choice of counsel, and fixing of fees to be subject to the approval of the Secretary of Interior or his authorized representative so long as such approval is required by federal law.

S. To join and/or charter housing authorities.

T. To protect members right in personal property.

U. To zone, exercise the power or eminent domain and otherwise regulate all land use within those areas under the jurisdiction of the Tribe.

V. To enact ordinances, procedures and regulations necessary to give effect to

any provision of this Constitution and to exercise any power not prohibited by federal law.

W. To approve or disapprove the hiring of any employee in any field of work which directly or indirectly affects the tribe or a tribal member.

Section 4. Omissions. Any rights and powers vested in the Kobuk Tribe but not expressly referred to in this Constitution shall not be lost by reason of their omission, but may be exercised by the Council unless expressly prohibited by this Constitution.

ARTICLE 10. POWERS RESERVED TO MEMBERSHIP

Section 1. Tribal Lands. The following powers are specifically reserved to the qualified voters of the Kobuk Tribe acting through a general tribal membership meeting or a property called election:

(a) No lands or interests in lands owned by the Tribe may be sold, leased for longer than 10 years, encumbered or imposed of without an affirmative vote of at least 80% of the qualified voters.

(b) Nothing in this article shall prohibit the Kobuk Traditional Council from establishing and administering a tribal land assignment program as established by ordinance.

ARTICLE 11. POPULAR PARTICIPATION IN GOVERNMENT

Section 1. Initiative. The qualified voters of the tribal shall have the right to propose and repeal ordinances and resolutions not inconsistent with this Constitution, through a valid petition signed by at least 50% of the eligible voters. The petitions shall be submitted to the Tribal Council. The council shall then call an election to be conducted by the election committee no later than sixty (60) days after receipt of the petition. If the council fails to act on the petition, the ordinance or resolution may be brought before a tribal membership meeting. An affirmative vote by a majority of qualified voters at a tribal membership meeting were a quorum has been established, shall be required to adopt or repeal such ordinances or resolutions.

Section 2. Referendum. The Council, by an affirmative vote of at least four (4) of its members, may refer issues to the tribal membership in a tribal election. Such an election shall be conducted by the election committee within sixty (60) days of such Council decision. An affirmative vote by a majority of the eligible voters at a tribal membership meeting where a quorum is established shall be required to determine the Tribe's position on the issue submitted to a vote, or, a poll with prior notification may be held.

Section 3. Initiative and Referendum Decisions. The decision of the voters in both initiative and referendum election shall be binding on the Council and the Tribe and shall remain in full force until amended or rescinded by subsequent action of the voters or expires by its own items.

ARTICLE 12- RIGHTS OF MEMBERS

Section 1 Access to Tribal Records. Tribal members shall have the right to review all tribal records, including financial records, during office hours in accordance with procedures established by the Council except in child welfare cases, tribal enrollment records, litigation, personal and confidential issues.

Section 2. Open Traditional Council Meetings. Tribal members have the right to be present at all Council meetings except during executive session of the Council.

Section 3. Indian Civil Rights. The Tribal shall provide to all persons within its jurisdiction the rights guaranteed by the Indian Civil Rights Act of 1968, as amended. In summary, the tribal government shall:

1) Not prohibit the free exercise of speech, press, religion, or rights of the people to assemble peacefully or file grievances against the tribal government.

2) Not allow unreasonable search and seizure or issue search warrants without probable cause.

3) Not try anyone for the same offence twice.

4) Not make any person testify against himself in a criminal matter.

5) Not take private property for public use without paying the owner the fair market value.

6) Not deny a person the right to a speedy public trial. A speedy trial is generally assumed to be a trial within 90 days or less. The accused person must be informed of the nature of the crime he is accused of, told about the witnesses against him, be allowed to have witnesses against him, be allowed to have witnesses testify in his favor and be allowed a lawyer at his own expense.

7) Not impose excessive bail or fines, now impose cruel or unusual punishments. Tribal court cannot impose penalty greater than $ 5,000 or one (1) year in jail, or both for any offence.

8) Give all persons equal protection under tribal law.

9) Not pronounce anyone guilty of a crime or civil violation without a fair trial. The tribal government shall not pass an ordinance and charge a person with a violation of that ordinance or change penalties, after an incident (Ex Post Facto).

10) Provide anyone accused of an offense punishable by jail time the right to a trial by jury of no less than six persons.

ARTICLE 13- SOVEREIGN IMMUNITY OF THE NATIVE VILLAGE OF KOBUK

Nothing in this Constitution shall be deemed or constructed to be a waiver of the sovereign immunity of the Native Village of Kobuk which may only be waived by express resolution of the Tribal Council, after receiving an affirmative vote of at

least 50% of the qualified tribal voters, and only to the extent specified in such resolution and permitted by this Constitution and federal law, provided, however, that the Council shall have the authority to waive the sovereign immunity shall not be general but not be specific and limited as to duration, grantee, transaction, property or funds, if any, subject to the waiver, as well as specific to the court having jurisdiction and applicable law. Waiver of sovereign immunity of the Tribal shall not be deemed a general consent to the levy of any judgment, lien or attachment upon property of the Tribe other than Property specifically pledged, assigned or otherwise explicitly subject to levy in the waiver resolution.

ARTICLE 14- AMENDMENTS OR REPEAL

The Constitution may be amended or repealed by a majority vote of the qualified voters of Native Village of Kobuk voting in an election called for that purpose, provided that at least 50% of those entitled to vote shall vote in such election, and that notice has been posted for a minimum of 2 weeks in public places in Kobuk Alaska.

ARTICLE 15- SEVERABILITY

If any provision of this Constitution shall, in the future, be declared invalid by a court of competent jurisdiction, the invalid provision shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE 16- SAVINGS

Unless inconsistent with this Constitution, all tribal legislation enacted prior to adoption of this Constitution shall remain in effect.

ADOPTION

This Constitution may be adopted by a majority vote of the qualified voters of the Native Village of Kobuk tribal voting in an election called for that purpose in which at least 30% of the qualified voters vote as required by the Kobuk Traditional Council Constitution and Bylaws adopted on _____, which this Constitution is replacing.

CERTIFICATION OF ELECTION RESULTS

The attached Traditional Constitution of the Native Village of Kobuk Tribe was submitted to the qualified voters of the tribe on _____, and was duly adopted by a vote of 7 for and 0 against the adoption of this Constitution in an election in which at least 30% of the qualified voters entitled to vote cast their ballots.

Johnetta Cleveland 1/11/03
President

_____
Secretary

_____
Vice President

JOB DESCRIPTION

TITLE: Administrator, Kobuk Traditional Council

PAY: $15/hr, 8hrs/day, 5 days/week D.O.E.

DUTIES AND RESPONSIBILITIES:

The Administrator will be responsible for maintaining all business functions of the Kobuk Traditional Council. This person will also receive basic training in grant writing and be expected to research and apply for continued program funding. Primary duties and responsibilities include:

1. Basic clerical duties (opening mail, answering the phone, filing, etc.) responding to correspondence in a timely manner in the absence of tribal clerk.
2. Work closely with the Traditional Council and officers, keeping them informed of business and other important matters. Attend all Traditional Council's meetings.
3. Attend three (3) grant-writing workshops (Kotzebue & Anchorage). Work with Maniilaq Association staff to research and write at least two proposals for continued program funding, annually when applied.
4. In conjunction with the Traditional Council, develop monthly budget plan for achieving project objectives, review plan at month's end and Financial Reports quarterly.
5. Other duties as assigned by the President, Traditional Council within the scope of this project.
6. Must know how to revise and amend budgets.
7. To follow the budget plan.

MINIMUM QUALIFICATIONS:

1. Strong oral and written communications. Desire to learn and help the village.
2. Strong organizational and planning skills. Able to work independently.
3. Inupiaq speaker/Kobuk Native preferred or minimum qualifications.
4. Must have computer skills.
5. High school diploma or equivalent (GED) and college background.

SUPERVISION RECEIVED: PRESIDENT AND KOBUK TRADITIONAL COUNCIL.